

E-Filed On 7/24/06

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Attorney for Party In Interest
Boise Gowan LLC

UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF NEVADA

In re:)	Case No. BK-S-06-10725 LBR
USA COMMERCIAL MORTGAGE)	Case No. BK-S-06-10726 LBR
COMPANY,)	Case No. BK-S-06-10727 LBR
)	Case No. BK-S-06-10728 LBR
Debtor)	Case No. BK-S-06-10729 LBR

In re:)	
USA CAPITAL REALTY ADVISORS, LLC.)	Chapter 11
)	
Debtor)	

In re:)	Jointly Administered Under
USA CAPITAL DIVERSIFIED TRUST)	Case No. BK-S-06-10725 LBR
DEED FUND, LLC.)	
)	
Debtor)	

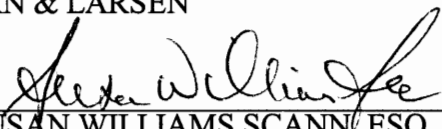
Date of Hearing: August 4, 2006
 Time of Hearing: 1:30P.M.

In re:)	Affects:
USA CAPITAL FIRST TRUST)	<input checked="" type="checkbox"/> USA Commercial Mortgage Company
DEED FUND, LLC.)	<input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC
)	<input type="checkbox"/> USA Capital First Trust Deed Fund, LLC
Debtor)	<input type="checkbox"/> USA Securities, LLC
)	<input type="checkbox"/> USA Realty Advisors, LLC
In re:)	<input type="checkbox"/> All Debtors
USA SECURITIES, LLC.)	
)	
Debtor)	

**COVERSHEET FOR DECLARATION OF ROBERT RUSSELL IN OPPOSITION TO
 MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO TERMINATE LOAN
 SERVICING AGREEMENT FOR DIRECT LOAN TO BOISE/GOWAN, LLC [AFFECTS
 DEBTOR USA COMMERCIAL MORTGAGE COMPANY]**

Dated this 24th day of July, 2006.

DEANER, DEANER, SCANN,
 MALAN & LARSEN

By: 
 SUSAN WILLIAMS SCANN, ESQ.
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 Boise-Gowan, LLC

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 Attorneys for Debtors

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY, Debtor.	Case Nos. BK-S-06-10725 LBR Case Nos. BK-S-06-10726 LBR Case Nos. BK-S-06-10727 LBR Case Nos. BK-S-06-10728 LBR Case Nos. BK-S-06-10729 LBR
In re: USA CAPITAL REALTY ADVISORS, LLC, Debtor.	Chapter 11
In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, Debtor.	Jointly Administered Under Case No. BK-S-06-10725 LBR
In re: USA CAPITAL FIRST TRUST DEED FUND, LLC, Debtor.	DECLARATION OF ROBERT RUSSELL IN OPPOSITION TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO TERMINATE LOAN SERVICING AGREEMENT FOR DIRECT LOAN TO BOISE/GOWAN, LLC [AFFECTS DEBTOR USA COMMERCIAL MORTGAGE COMPANY]
In re: USA SECURITIES, LLC, Debtor.	
Affects: <input type="checkbox"/> All Debtors <input checked="" type="checkbox"/> USA Commercial Mortgage Company <input type="checkbox"/> USA Securities, LLC <input type="checkbox"/> USA Capital Realty Advisors, LLC <input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC	
	Date of Hearing: August 4, 2006 Time of Hearing: 1:30 p.m.

☐ USA First Trust Deed Fund, LLC

ROBERT A. RUSSELL, under penalties of perjury, hereby declares on this 20th day of July, 2006, that:

1. I am the Manager of Boise/Gowan LLC, an Idaho Limited Liability Company ("Borrower" or "Boise/Gowan"). I make this Declaration based upon my own personal knowledge and based upon the regularly kept books and records of Boise/Gowan LLC. I personally have over 37 years of experience managing loan projects such as the Boise/Gowan Loan.

2. On August 26, 2005, USA Commercial Mortgage Company ("USACM") as Servicer originated a loan (the "Boise/Gowan Loan") from certain Direct Lenders to Borrower Boise/Gowan, evidenced by a Loan Agreement dated August 26, 2005 (the "Boise/Gowan Loan Agreement") and other loan documentation.

3. The Boise/Gowan Loan is being used for the purchase and initial development (for further development) of an approximately 93 acre parcel of unimproved land in Boise, Idaho, adjacent to the Boise Municipal Airport (the "Boise/Gowan Project").

4. Since August 26, 2005, there have been two amendments to the Boise/Gowan Loan Agreement, and the Loan Amount has been increased pursuant to these amendments. The most recent amendment, the Second Amendment to Loan Documents (the "Second Amendment") is dated February 21, 2006, and increased the Loan Amount to \$2,425,000.

5. The maturity date of the Boise/Gowan Loan is August 31, 2006. One of the Direct Lenders for the Boise/Gowan Loan, Scott Canepa, has filed a Motion for Relief from the Automatic Stay to Terminate Loan Servicing Agreement for Direct Loan to Boise/Gowan, LLC (the "Canepa Stay Relief Motion").

6. It is Boise/Gowan's intention to pay off the Boise/Gowan Loan in full on its maturity date of August 31, 2006.

7. It would be very disruptive to Boise/Gowan's intentions to pay off the Boise/Gowan Loan in full on its maturity date of August 31, 2006, in accordance with the terms of

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1 the Boise/Gowan Loan Documents, if the Canepa Stay Relief Motion were to be granted and Scott
2 Canepa attempted to change the Servicer for the Boise/Gowan Loan just shortly before the
3 maturity date for the Boise/Gowan Loan. Among other things, there would be confusion on the
4 part of Boise/Gowan as to which Servicer was authorized to quote a payoff amount for the
5 Boise/Gowan Loan. There would also be confusion on the part of Boise/Gowan about which
6 Servicer should be paid the funds for the payoff of the Boise/Gowan Loan and which Servicer is
7 authorized to reconvey the Trust Deed lien on the Boise/Gowan Project.

8 Executed this 20th day of July, 2006.

9
10 
Robert A. Russell

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CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing COVERSHEET FOR
DECLARATION OF ROBERT RUSSELL IN OPPOSITION TO MOTION FOR RELIEF FROM
THE AUTUOATIC STAY TO TERMINATE LOAN SERVICING AGREEMENT FOR DIRECT
LOAN TO BOISE/GOWAN, LLC [AFFECTS DEBTOR USA COMMERCIAL MORTGAGE
COMPANY] was made this 24th day of July, 2006, by depositing a copy of the same in the United
States mail in Las Vegas, Nevada, postage-prepaid, addressed to the following:

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RAY QUINNEY & NEBEKER P.C.
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USA CAPITAL REALTY ADVISORS, LLC
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC USA CAPITAL FIRST TRUST DEED FUND, LLC
USA SECURITIES, LLC
THOMAS J. ALLISON
4484 SOUTH PECOS ROAD
LAS VEGAS, NV 89121

THE UNITED STATES TRUSTEE

OFFICE OF THE U.S. TRUSTEE
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LAS VEGAS, NV 89101

USA CAPITAL REALTY ADVISORS, LLC - UNSECURED CREDITORS

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7 R. HAGMAIER
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9 TIM RICH
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13 **COMPANY**

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23 Scottsdale, AZ 85255

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25 Las Vegas, NV 89117-7635

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20 2561 Seascape Drive
21 Las Vegas, NV 89128

22 Robert H. Mansfield
23 3611 Victory Avenue
24 Las Vegas, NV 89121

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26 **USA COMMERCIAL MORTGAGE COMPANY**

27 Fertita Enterprises, Inc.
28 2960 W. Sahara Ave., Suite 200
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- 12 Suite -409
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- 17 Nevada Mortgage Lending Division
- 18 Attn: Susan Eckhardt
- 19 3075 East Flamingo #100
- 20 Las Vegas, NV 89121
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- 22 Attn: Sandra W. Lavigna
- 23 5670 Wilshire Blvd., 11th Floor
- 24 Los Angeles, CA 90036-3648
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- 26 Office of the Chief Counsel
- 27 1200 K. Street Street, N.W.
- 28 Washington, D.C. 20005-4026
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- Employment Sec. Div., Contributions
- 500 East Third Street
- Carson City, NV 89713-0030
- DMV and Public Safety Records Section
- 555 Wright Way
- Carson City, NV 89711-0250
- Employers Insurance Co. Of NV
- Attn: Bankruptcy Desk
- 9790 Gateway Drive
- Reno, NV 89521-5906
- NV Dept. of Taxation
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State of Nevada
- 6 202 North Carson Street
Carson City, NV 89701
- 7 NV Department of Taxation
- 8 Revenue Division
Capitol Complex
- 9 Carson City, NV 89701-0003
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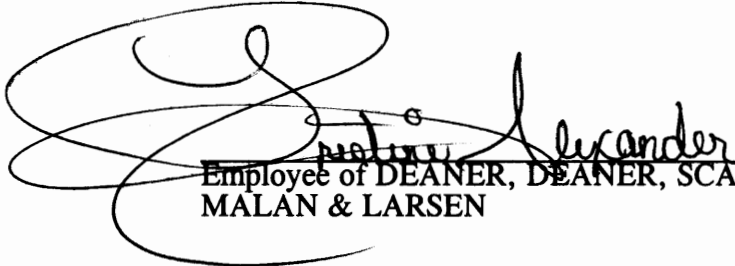
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Employee of DEANER, DEANER, SCANN,
MALAN & LARSEN

F:\OFFICE\CLIENTS\Boise-Gowan\Coversheet.Affid.Bob Russell.wpd